

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
2300 N. Dr. Martin Luther King, Jr. Drive
Milwaukee, WI 53212-3128

Scott Walker, Governor
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January 4, 2017

Clement J Zablocki VA Medical Center
Mr Jim Beier Facility Management Division
5000 W National Avenue
Building 70, Room 250E
Milwaukee WI 53295

Mr. Dick and Maxine Charmoli
Charmoli Holdings, LLC
320 Douglas Lane
Cedarburg, WI 53012

Ms. Jean Ponfil
Paul R. Ponfil Trust
224 Aspen Drive
Grafton, WI 53024

Subject: Approval for Management of Contaminated Soil under s. NR 718.12 Wis. Adm. Code

Generator property: 5000 National Ave, Milwaukee, BRRTS #: 02-41-563846
FID # 341041470

Disposal property: R&R Excavating, County Road I, Cedarburg FID # 246105750

On October 27, 2016, Friess Environmental Consulting, Inc. (FEC) submitted a soil placement request for approval under s. NR 718.12, Wis. Adm. Code, to allow disposal of excavated contaminated soil at a location other than that from which it was excavated. The Wisconsin Department of Natural Resources (DNR) received the \$700 technical assistance fee for providing review and response, in accordance with s. NR 749.04(1), Wis. Adm. Code. The DNR subsequently denied the request due to insufficient soils sampling for the quantity of soil to be removed. FEC then returned to the site and obtained additional soil samples and performed the required lab analysis to satisfy the requirements of NR 718, *Supplemental Information* dated December 27, 2017.

Summary of proposed soil management activities

The Clement J. Zablocki VA Medical Center (Zablocki VAMC) proposes to dispose of 7000 cubic yards of excavated contaminated soil originating from the Zablocki VAMC property at the R&R Excavating site. Zablocki VAMC proposes to dispose of this material in accordance with s. NR 718.12 Wis. Adm. Code, which exempts the disposal site from solid waste requirements in ch. 289, Stats. and chs. NR 500 to 538 Wis. Adm. Code. The soil was excavated from the parking lots 7, 8, and 9 east side of the main building for the construction of a new parking structure.

Excavated soil will be placed at the R&R Excavating site in accordance with the approved reclamation plan, which includes placement of a final two feet of clean soil fill and one foot of topsoil once the fill volume has been met. Soils from the Zablocki VAMC property are to be placed approximately 20 feet

below the proposed finished grade and at least five feet above the water table at the receiving site. Information submitted to support the s. NR 718.12 Wis. Adm. Code soil management request is in the Soil Placement Approval Request, dated December 27, 2016, prepared by FEC.

Location standards: s. NR 718.12 (1)(c) Wis. Adm. Code

Information provided in the soil disposal request indicates that the disposal site complies with the locational criteria of s. NR 718.12(1)(c), Wis. Adm. Code, so that soil will not be placed or replaced in the following areas:

1. Within a floodplain
2. Within 100 feet of a wetland or critical habitat area
3. Within 300 feet of any navigable river, stream, lake, pond or flowage
4. Within 100 feet of any on-site water supply well or 300 feet of any off-site water supply well
5. Within 3 feet of the high groundwater level
6. At a depth greater than the depth of the original excavation from which the contaminated soil was removed
7. Where the contaminated soil poses a threat to public health, safety or welfare or the environment.

Grant of exemption to s. NR 718.12(1)(c)6

FEC requested an exemption to criterion 6 listed above; however, the intent of this criterion is to not allow soil to be replaced at greater depths on the same property from which it was removed. Approval of an exemption to the location criteria of s. NR 718.12(1)(c)6 is not applicable to this site.

Soil Characterization

Soil proposed for excavation from the Zablocki VAMC site is contaminated with low-level polyaromatic hydrocarbons (PAHs) and metals. No volatile organic compounds were detected in the soil to be disposed at the R&R Excavating site. Samples have been collected for analysis of all contaminants previously detected or expected to be present based on past land use and from areas most likely to contain residual soil contamination at a frequency of one sample per 300 yds³ therefore, the sampling criteria of s. NR 718.12(1)(e) have been met.

Generator Site Information

Property Owner/Responsible Party:
Clement J Zablocki VA Medical Center
Mr Jim Beier, Attn: Facility Management Division
5000 W National Avenue
Building 70, Room 250E
Milwaukee WI 53295

Generator Property Address:

5000 National Avenue, Milwaukee, Wisconsin
SW ¼ of the SW ¼ of Section 35, Township 7 North, Range 21 East, Milwaukee County
WTM Coordinates: X=684833.72, Y=285146.45

- Volume of contaminated soil to be managed: 7000 cubic yards

Consultant

Rick Frieseke, Friess Environmental Consulting, Inc.
6637 North Sidney Place, Milwaukee, WI 53209
(414) 228-9815 rfrieseke@fecinc.us

Disposal site information

Property Owners/Responsible Parties:

Charmoli Holdings, LLC, 320 Douglas Lane, Cedarburg, WI 53012
Richard and Maxine Charmoli (262) 377-5736

and

Paul R. Ponfil Trust, 224 Aspen Drive, Grafton, WI 53024
Jean Ponfil (414) 665-3555

Disposal Property Address:

R&R Excavating, County Road I, Cedarburg, WI
SE ¼ of the NE ¼, Section 22, Township 10 N, Range 21 E, Ozaukee County
WTM Coordinates: X=683133, Y=318082; 43.317884 Latitude, -87.988200 Longitude

S. NR 718.12 Wis. Adm. Code approval

Based on review of the above-referenced documents, and the requirements of s. NR 718.12 Wis. Adm. Code, the DNR approves the soil management plan for disposal of up to 7000 cubic yards of contaminated soil that will be excavated from Zablocki VAMC to be transported and placed on the R&R Excavating site. Approval is conditioned upon compliance with the following:

Conditions of approval

Soil excavation from the generating site and placement at the receiving site shall be completed within one year of the effective date of this letter unless a written extension of this condition is obtained from the DNR.

Zablocki VAMC shall not dispose of more than 7000 cubic yards of excavated soil from the Zablocki VAMC site at the R&R Excavating site unless written approval is granted by DNR.

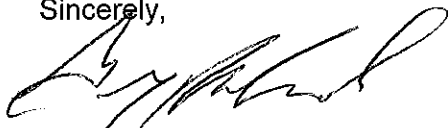
Zablocki VAMC shall submit to the DNR documentation of excavation and disposal activities within 30 days of completing the disposal activities. The report shall include a description of the total volume of material transported to the disposal site and the location of disposal.

The R&R Excavating site shall comply with applicable requirements of s. NR 718.12(2)(e).

The DNR reserves the right to require the submittal of additional information or to modify or revoke this soil management approval if Zablocki VAMC or the R&R Excavating site fails to comply with the requirements of the soil management plan, as proposed. The DNR also retains its right to modify or revoke this approval if circumstances or conditions change, or if new information is found that would warrant modification or revocation of this approval.

If you have any questions regarding this approval decision, please contact me in writing at the letterhead address, by calling (262) 574-2176, or by email at Greg.Michael@wisconsin.gov.

Sincerely,



Greg Michael
Hydrogeologist
Remediation and Redevelopment Program

cc: Mr. Rick Frieseke, Friess Environmental Consulting, Inc.